

Article 5. District Regulations.

16-501 DISTRICT "A" AGRICULTURAL DISTRICT.

501.1 INTENT. It is the intent of this district to provide for agricultural and related uses in a manner which will be compatible with surrounding uses and will facilitate the eventual conversion of the land in this district to more intensive urban uses.

501.2 PERMITTED USES. In District A no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

- A. Farming, dairy farming, livestock, poultry raising, game birds, pasturing of livestock, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises, provided that any building, structure or yard for the raising, feeding, pasturing, housing or sale of livestock or poultry shall be located at least one hundred feet (100') from a District R-1 to R-5 inclusive and further provided that there shall be no feeding or disposal of garbage, rubbish, or offal, other than regular removal, within three hundred feet (300') of a District R-1 to R-5 inclusive.
- B. Publicly owned or operated parks, playgrounds, golf courses and recreational uses.
- C. Single-family dwellings when in conjunction with an agricultural use.
- D. Churches or similar places of worship.
- E. Public or private schools.
- F. Greenhouses and nurseries.
- G. Stands for the sale, at retail, of agricultural products or commodities raised on the premises.
- H. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses. One sign not to exceed four square feet, shall be considered an accessory use.
- I. Home Occupations as set out in Article 6.

501.3 CONDITIONAL USES. The following uses may be allowed by conditional use permit when submitted to and reviewed by the Planning Commission and approved by the City Council, under such conditions as to operation, site development, signs and time limit as may be deemed necessary.

- A. Fish hatcheries, apiaries, aviaries.

- B. Fishing lakes and picnic groves, provided no concession or retail sales shall be permitted.
- C. Forests and wildlife reservations, or similar conservation projects.
- D. Fur farming for the raising of fur bearing animals, excluding skunks and civet cats.
- E. Mushroom barns and caves.
- F. Nurseries, greenhouses and truck gardens.
- G. Cemeteries, including mausoleums; provided mausoleums shall be at least two hundred (200) feet from every street line and adjoining lot lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
- H. Hospitals and institutions of an educational, religious, charitable, or philanthropic nature; provided such buildings shall not be located upon sites containing an area of less than five (5) acres.
- I. The extraction of minerals including oil and gas or raw minerals or raw materials and the processing, treating or storing of such minerals or materials.
- J. Drive-in theaters.
- K. Isolation homes, penal institutions, sanitariums or asylums for the insane or feeble-minded.
- L. Nursing and care homes subject to inspection and license requirements.
- M. Seasonal or temporary uses such as recreation camp or similar enterprises.
- N. Telephone exchanges, electric substations or similar public utility uses.
- O. Airports and airfields.
- P. Commercial transmitting towers over 60 feet in height.
 - 1. The purpose and intent of this subsection is to provide for the safe and effective installation and operation of wireless communication antennas, accessory equipment, and support structures. Each application for a Conditional Use Permit for a communication tower shall be accompanied by the following information:
 - a. A site plan.
 - b. A report from a licensed professional structural engineer which describes the tower's capacity including the number and type of antennas it can accommodate.

- c. A report indicating the justification of the site selected for the communication tower and comparing all potential sites with a one-half mile radius. The report shall indicate why any existing tower within the one-half mile radius can not be utilized by the applicant.
 - d. A photo simulation of the proposed facility from affected properties and the public right-of-way, may be required.
 - e. An explanation of the need for the facility to maintain the integrity of the communication system. A map showing the service area of the proposed tower shall be submitted.
 - f. A signed statement from the applicant indicating the intention to share space on the tower with other carriers.
 - g. A copy of the lease between the applicant and the landowner. The lease shall contain the following provisions:
 - 1. The landowner and the applicant shall have the ability to enter into a lease with other carriers for co-location.
 - 2. The landowner shall be responsible for the removal of the communication tower or facility within six months (6) in the event the lessee fails to remove it upon abandonment.
2. Height - The maximum height which may be approved for a communication tower is 160 feet. A lightning rod, not to exceed ten feet (10'), shall not be included within the height limitation. All new towers in excess of 100 feet shall be designed to accommodate at least two (2) additional providers. The location of the additional antennas on a legally existing tower shall not require additional approval of the Planning Commission or City Council.
3. Setbacks - All towers and antennas shall meet the required setbacks of the zoning district. In addition to complying with the district regulations, the antenna shall be setback from the property lines a distance equal to the height of the communication tower. A lesser setback may be approved with the Conditional Use Permit, upon demonstration by a licensed structural engineer registered in the state of Kansas that the fall zone of the communication tower is within the radius of the setback.
- If the communication tower and antenna are setback less than the height of the tower or antenna, it shall be inspected and approved upon construction, by a licensed structural engineer, registered in the state of Kansas. Such towers shall be re-inspected every five (5) years to insure the structural integrity and safety of the antenna.
4. Tower Design - All communication towers shall be of a monopole design unless required by the Planning Commission or Governing Body to be architecturally compatible to surrounding development.
5. Tower Color - All communication tower and antenna structures shall be galvanized metal, except otherwise required by the

Planning Commission or City Council. Exceptions may be granted, based on FAA or FCC regulations.

6. Equipment Storage - Mobile or immobile equipment not used in direct support of the tower facility shall not be stored or parked on the site of the communication tower unless repairs to the tower are being made.
7. Accessory Structures - All ground equipment shall be stored with a structure, built of materials compatible with the location and types of surrounding land uses. Use of metal buildings is prohibited.
8. Landscaping - All equipment buildings shall be screened with landscaping or fencing appropriate to the location and types of surrounding land uses. The site shall be landscaped per Section 16-1101 of the zoning ordinance.
9. Access - Access from a public or private roadway. The City Council may wave surfacing materials, curbing and stormwater drainage requirements, if recommended by the Engineering Administrator.
10. Security Fencing - Sites shall be enclosed by security fencing to be indicated on the site plan.
11. Permitting - A building permit with structural and electrical drawings, sealed by licensed structural engineer registered in the state of Kansas, is required.

(Ord. 1908, Sec. 1)

Q. Wind Energy Conversion Systems (WECS) subject to the following conditions:

1. No tower or propeller shall be so located as to ever be within one hundred (100) feet of any structure, power line or antenna located on other than the property on which the system is located.
2. The bottom tip of any propeller shall be at least ten (10) feet above any accessible pedestrian area.
3. The system and component parts must be totally surrounded by a fence having a minimum height of six (6) feet and a maximum height of eight (8) feet unless otherwise physically inaccessible to the public.
4. The system shall not cause interference to the radio and television reception on adjoining property.
5. The system shall contain a breaking device for speeds above 40 miles per hour.
6. The safety results of an approved testing laboratory shall be submitted.
7. Proof that the system is covered by a homeowners insurance policy shall be submitted.

8. The maximum height shall be determined by anemometer studies which find out where the proper wind strata is in specific areas.
 9. No system shall interfere with the wind access of an existing system. Systems shall be a minimum of five rotor blade lengths apart based upon the largest rotor in the area.
- R. Kennels-breeding and boarding.
1. All kennels shall be located at least 660 feet from a residential district.
 2. The minimum lot size shall not be less than one acre.
 3. No kennel buildings or runs shall be located nearer than 75 feet to any property lines.
 4. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade, or chainlink fence with aluminum strip intertwined or other equivalent fencing, providing a sight barrier to the dogs.
- S. Riding stables and academies.
- T. Other publicly owned buildings and uses not specifically listed elsewhere in this district.
- U. Earth-sheltered residences providing the following conditions are met:
1. The living area shall be provided with exterior windows or sky lights which have a glassed area of not less than ten percent (10%) of the floor area and give direct visual access to natural light and open space.
 2. Lot areas, lot widths and setbacks for underground dwellings shall conform to those established by the zoning district.
 3. An outdoor space of no less than 500 square feet shall be provided immediately outside one wall of the dwelling. The minimum width of the space shall be 20' and the average grade elevation shall be no more than two feet above or below the grade elevation of the floor of the dwelling.
 4. All earth-covered structures shall be designed by a structural engineer and plans shall be submitted signed and sealed by a licensed structural engineer.

5. A site plan, elevations and other necessary drawings shall be submitted to ensure that the proposed structure is compatible with the adjacent residents and the topography of the area.

V. Amusement Parks.

W. Demolition Landfills on property previously used as a quarry.

501.4 INTENSITY OF USE REGULATIONS.

- A. MINIMUM LOT WIDTH: The minimum width of a lot shall be one hundred feet (100'), provided that where a lot has less width than herein required in separate ownership on the effective date of this ordinance, this regulation shall not prohibit the erection of a one family residence.
- B. MINIMUM LOT AREA: Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area of not less than fifteen thousand square feet per family provided that where a lot has less than herein required in separate ownership on the effective date of this ordinance, this regulation shall not prohibit the erection of a one family dwelling.

501.5 HEIGHT REGULATIONS.

- A. MAXIMUM STRUCTURE HEIGHT: Thirty-five (35) feet.

501.6 YARD REGULATIONS.

- A. FRONT YARD:
 1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line if the street right-of-way is 60'. When the street right-of-way is 50', or for lots fronting a cul-de-sac, the minimum front yard shall be 30'. On collector streets, the minimum front yard shall be 65 feet measured from the centerline of the street right-of-way; and on arterial streets, the minimum front yard shall be 85 feet measured from the centerline of the street.
- B. SIDE YARD: There shall be a side yard on each side of a dwelling; no side yard shall be less than twenty feet (20').
- C. REAR YARD: The depth of the rear yard shall be at least fifty feet (50').

501.7 USE LIMITATIONS. None

501.8 PARKING REGULATIONS. Two off-street parking spaces shall be provided for each single-family dwelling, at least one of which shall be in a garage or carport.

501.9 SIGN REGULATIONS. See Article 12.

501.10 LANDSCAPING. None required.